

### Amendments to the Claims

In response to the Official Action and in accordance with 37 CFR 1.121(c), please enter the following rewritten claims.

Please cancel Claims 9 – 17, 19, and 20.

1. *(Currently Amended)* A method of aligning a video work with an audio work, wherein said audio and video works are configurable to be played in concert with each other, comprising the steps of:
  - a. automatically selecting a plurality of audio markers in said audio work, each of said selected audio markers having an audio time of occurrence associated therewith;
  - b. identifying at least one video marker within said video work, each of said identified video markers having a video time of occurrence associated therewith;
  - c. selecting one of said identified video markers and said video time of occurrence associated therewith;
  - d. selecting a an active video transition effect to apply at said selected video marker;
  - e. automatically selecting one of said plurality of audio markers, wherein said time of occurrence of said selected audio marker is proximate to said video time of occurrence of said selected video marker;
  - f. automatically synchronizing said video transition effect with said selected audio marker by only adjusting a time duration of said video transition;
  - g. applying said synchronized video transition effect to said video work proximate to said video marker, thereby creating an aligned video work; and,

- h. storing said aligned video work on a computer readable medium.
2. *(Previously Presented)* A method of aligning a video work with an audio work according to Claim 1, wherein step (a) comprises the steps of:
- (a1) selecting at least one audio criterion, wherein each of said selected at least one audio criterion at least comprises a rule for identifying change points within said audio work,
  - (a2) using at least one of said selected audio criteria to identify at least two change points within said audio work,
  - (a3) selecting a plurality of said at least two identified change points, thereby identifying a plurality of audio markers within said audio work.
3. *(Currently Amended)* A method of aligning a video work with an audio work according to Claim 1, wherein step (a) comprises the steps of:
- (a1) selecting a plurality of audio criteria, wherein each of said selected audio criteria at least comprises a rule for identifying change points within said audio work,
  - (a2) assigning a priority to each of said selected audio criteria,
  - (a3) selecting a highest priority audio criterion from among said plurality of audio criteria, and,
  - (a4) using each of said selected plurality of audio criterion criteria to identify at least two change points within said audio work, each of said at least two change points being associated with said assigned priority of said audio

criteria used to select it, thereby identifying a plurality of audio markers  
within said audio work, each of said plurality of audio markers having one  
of said assigned priorities associated therewith, and,  
(a5)—selecting a plurality of identified change points, thereby identifying a  
plurality of audio markers within said audio work,  
wherein step (e) comprises the step of:  
(e1) automatically selecting one of said plurality of audio markers according to  
said priority associated therewith, wherein said time of occurrence of said  
selected audio marker is proximate to said video time of occurrence of said  
selected video marker.

4. *(Previously presented)* A method of aligning a video work with an audio work according to Claim 1, wherein step (e) comprises the steps of:
- (e1) choosing one of said plurality of audio markers, wherein said time of occurrence of said selected audio marker is proximate to said video time of occurrence of said video marker,
  - (e2) determining from a provided criterion for determining whether an audio marker is suitable for use with a selected video marker whether said chosen audio marker is suitable for use with said selected video marker,
  - (e3) if said chosen audio marker is determined to be suitable for use with said selected video marker, selecting said chosen marker,
  - (e4) if said chosen audio marker is determined not to be suitable for use with said selected video marker according to said criterion, performing step (e1)

through (e3) until either one of said chosen audio markers is found to be suitable or until all of said plurality of audio markers have been chosen, and,

- (e5) if after performing step (e1) through (e4) none of said plurality of audio markers is suitable for use with said selected video marker, taking no further action with respect to the selected video marker.

5.     *(Original)*     A method of aligning a video work with an audio work according to Claim 1, comprising the further steps of:

- (i)     reading said stored aligned video work from said computer readable media; and,
- (j)     playing said aligned video work on a display device.

- 6     *(Original)*     A method of aligning a video work with an audio work according to Claim 1, wherein said computer readable medium is selected from the group consisting of computer RAM, non-volatile RAM, magnetic disk, a RAM card, optical disk, magneto-optical disk, and a floppy disk.

7.     *(Not entered)*

8.     *(Not entered)*

Claims 9 – 17 *(Cancelled)*.

18. *(Currently Amended)* A method of aligning a video work with an audio work, wherein said audio and video works are configurable to be played in concert with each other, and wherein there is provided an active video transition effect, comprising the steps of:
- a. automatically selecting a plurality of first audio markers in said audio work according to a first criterion, each of said selected audio markers having a first audio time of occurrence associated therewith;
  - b. automatically selecting a plurality of second audio markers in said audio work according to a second criterion, each of said selected second audio markers having a second audio time of occurrence associated therewith;
  - c. determining a priority of use of said first and second audio markers;
  - d. identifying at least one video marker within said video work, each of said identified video markers having a video time of occurrence associated therewith;
  - e. selecting from among said first audio markers at least one first audio candidate marker, each of said selected first audio candidate marker having a time of occurrence proximate to said video time of occurrence;
  - f. selecting from among said second audio markers at least one second audio candidate marker, each of said selected first audio candidate marker having a time of occurrence proximate to said video time of occurrence;
  - g. selecting one of said at least one first and at least one second candidate markers according to said determined priority;
  - h. automatically synchronizing said video transition effect with said selected candidate audio marker by at least adjusting a time duration of said video transition;

- ~~g.i.~~ applying said synchronized video transition effect to said video work proximate to said video marker, thereby creating an aligned video work; and,
- ~~h.j.~~ storing said aligned video work on a computer readable medium.

19. *(Cancelled)*

20. *(Cancelled)*

21. *(New)* A method of aligning a video work with an audio work, wherein said audio and said video works are configurable to be played in concert with each other, and wherein said video work contains a plurality of time-ordered video clips, comprising the steps of:
- a. selecting a plurality of different audio criteria, each of said selected audio criterion at least providing a rule for identifying a marker within said audio work;
  - b. assigning a priority to each of said audio criteria,
  - c. using each of said audio criteria to select a plurality of markers within said audio work, each of said selected markers having associated therewith said priority of said audio criterion used to select it;
  - d. selecting a video clip from among said plurality of time-ordered video clips;
  - e. selecting a plurality of audio markers from among said plurality of markers, each of said audio markers being proximate to said selected video clip;
  - f. determining which of said selected plurality of audio markers would be suitable for use with said selected video clip;

- g. of those audio markers determined to be suitable for use with said selected video clip, choosing, based on said assigned priority, a particular audio marker;
  - h. aligning said selected video clip with said particular audio marker;
  - i. performing at least steps (e) through (h) at least twice, thereby creating an aligned video work; and,
  - j. playing at least a portion of said aligned video work and said audio work in concert.
22. (New) The method of Claim 21, wherein said audio criteria are selected from a group consisting of a change in a volume criterion, a change in a musical key criterion, a change in a rhythm criterion, and a change in a frequency content criterion.
23. (New) A method of aligning a video work with an audio work, wherein said audio and video works are configurable to be played in concert, and wherein said video work is comprised of a plurality of time-sequential video clips, each of said video clips having a default duration, comprising the steps of:
- a. selecting at least two of said video clips;
  - b. for each of said selected video clips, determining a minimum duration shorter than said default duration and a maximum duration longer than said default duration;
  - c. selecting a particular video clip from among said selected video clips, said particular video clip having a particular duration, a particular minimum duration, and a particular maximum duration associated therewith;

- d. selecting from within said audio work an audio marker proximate in time to said particular video clip;
- e. determining an amount of time necessary to adjust said particular video clip in length to align it with said selected audio marker;
- f. if said amount of time is greater than or equal to said minimum duration and less than or equal to said maximum duration, adjusting said particular video clip by said amount of time;
- g. if said amount of time is less than said minimum duration or greater than said maximum duration, selecting another audio marker proximate in time to said particular video clip;
- h. continuing to perform steps (e) through (g) with different selected audio markers until said particular video clip can be adjusted by said amount of time;
- i. performing steps (b) through (h) for each of said plurality of selected video clips, thereby aligning said video work with said audio work; and,
- j. writing said aligned video work and said audio work to a computer readable medium.

24. (New) The method of aligning a video work with an audio work according to Claim 23, wherein said computer readable medium is selected from a group consisting of computer RAM, non-volatile RAM, magnetic disk, a RAM card, optical disk, magneto-optical disk, and a floppy disk.